

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK BAILEY, )  
Plaintiff, )  
 ) Civil Action No. 15-07  
v. )  
 ) Magistrate Judge Robert C. Mitchell  
STATE FARM MUTUAL AUTOMOBILE )  
INSURANCE COMPANY )  
Defendant. )

**MEMORANDUM ORDER**

**JOY FLOWERS CONTI**, United States Chief District Judge.

The present action was removed to this Court on January 5, 2015 from the Court of Common Pleas of Allegheny County. The case was referred to a United States Magistrate Judge for pretrial proceedings in accordance with Magistrate Judges Act, 28 U.S.C. § 636(b)(1) and Local Rules of Court 72.C and 72.D.

Defendant, State Farm Mutual Automobile Insurance Company (“State Farm”), filed a motion to dismiss [ECF No. 6] on February 5, 2015. The magistrate judge’s Report and Recommendation [ECF No. 12] filed April 14, 2015 recommended that State Farm’s motion be granted and Plaintiff’s complaint be dismissed with prejudice. Service of the Report and Recommendation was made on all parties. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2 they had until April 30, 2015 to file any objections. As of this date, no objections have been filed.

After a *de novo* review of the pleadings and documents together with the Report and Recommendation, the Report and Recommendation will be adopted as the opinion of this court in this case, State Farm’s motion will be granted and an appropriate order will be entered.

By the Court,

/s/ Joy Flowers Conti

The Honorable Joy Flowers Conti  
United States Chief District Judge

cc: The Honorable Robert C. Mitchell  
United States District Court  
Western District of Pennsylvania

*Counsel for Plaintiffs*  
Thomas D. Beret, Esquire

*Counsel for Defendant*  
Daniel L. Rivetti, Esquire